

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN J. ALLEE,

Petitioner,

VS.

NEBRASKA ATTORNEY GENERAL,

Respondent.

8:05CV229

MEMORANDUM AND ORDER

In light of the difficulties faced by the petitioner, Justin J. Allee, in exhausting his state-court remedies and/or in demonstrating a basis for excusing the procedural default of his claims while incarcerated in a federal prison far from Nebraska, I will appoint counsel to represent the petitioner in connection with his pending Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 ("§ 2254 petition").

THEREFORE IT IS ORDERED:

1. That the Federal Public Defender for the District of Nebraska, or another attorney on the CJA panel selected by the Federal Public Defender, is appointed to represent the petitioner in this matter, and the petitioner's counsel shall both enter an appearance and confer with the petitioner by mail or telephone within thirty (30) days of the date of this Order;
2. That filing no. 18, my Memorandum and Order of June 29, 2006, is modified as follows: The petitioner, through counsel, shall have 90 days from the date of this Order to file a Motion selecting among the options set forth in filing no. 18 (essentially, proceeding in this court on limited claims or returning to state court, see filing no. 18); and
3. That if the petitioner elects to remain in this court, appointed counsel shall prepare such pleadings and briefs as are necessary to represent the petitioner in this matter.

DATED this 18th day of August, 2006.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge